

BOARD OF COUNTY COMMISSIONERS
Agenda Item Summary

Meeting Date January 19, 2005 **Division** County Attorney

AGENDA ITEM WORDING

Authorization for County Attorney's office to spend up to \$5,000.00 to negotiate assignment of all claims of Joel and Marie Rogers against Patricia M. Cambo for her actions that led to the County's code enforcement lien that is the subject of *Monroe County v. Joel & Marie Rogers and Patricia Cambo*, CA K 04-578.

ITEM BACKGROUND

The County has sued Mr. and Mrs. Rogers and Ms. Cambo to collect an unpaid code enforcement lien of \$62,800.00. The violation arose when Ms. Cambo erected a fence without benefit of a permit. She later sold the property to the Rogers after the lien had been recorded without disclosing the existence of the lien. Ms. Cambo's mother was reportedly the title examiner on the sale.

The Rogers, who have expended approximately \$4,000.00 to bring the property into compliance, moved quickly to cure the violation upon learning of it. Under chapter 162, Cambo's failure to notify the Rogers of the existence of the violation and liens is prima facie evidence of fraud. The Rogers may have other causes of action against Cambo.

To date, efforts to negotiate a global settlement with Cambo have not been successful. Taking an assignment of the Rogers' claims against Cambo would improve the County's position in the litigation against Cambo and relieve the Rogers from further involvement in the litigation.

The County would likely recover any sums spent to secure the assignment from Cambo, either through settlement or judgment.

PREVIOUS RELEVANT BOCC ACTION

The BOCC approved the initiation of the litigation on December 17, 2003.

CONTRACT/AGREEMENT CHANGES n/a

STAFF RECOMMENDATIONS Approval

TOTAL COST	Up to \$5,000.00	BUDGETED	Yes	No
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COST TO COUNTY	SOURCE OF FUNDS
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APPROVED BY: County Attorney ■ OMB/Purchasing ! Risk Management !

DIVISION DIRECTOR APPROVAL:

 01/05/05
JOHN R. COLLINS

DOCUMENTATION: Included ! To Follow ! Not Required xxx

AGENDA ITEM # _____

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